

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>5806sgri</b>	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. <b>PCT/EP2005/000435</b>	International filing date ( <i>day/month/year</i> ) <b>18 January 2005 (18.01.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>22 January 2004 (22.01.2004)</b>
International Patent Classification (8th edition unless older edition indicated) <b>See relevant information in Form PCT/ISA/237</b>		
Applicant <b>SATA FARBSPRITZTECHNIK GMBH &amp; CO. KG</b>		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report <b>03 October 2006 (03.10.2006)</b>  Authorized officer <p style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</p> e-mail: pt06@wipo.int
Facsimile No. +41 22 338 82 70	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**  
(day/month/year)

Applicant's or agent's file reference

**5806sgri**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/EP2005/000435**

International filing date (day/month/year)

**18.01.2005**

Priority date (day/month/year)

**22.01.2004**

International Patent Classification (IPC) or both national classification and IPC

**B05B7/24, B67D3/00**

Applicant

**SATA FARBSPRITZTECHNIK GMBH & CO. KG**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/000435

**Box No. I      Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/000435

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	4-6, 8-11, 13	YES
	Claims	1-3, 7, 12	NO
Inventive step (IS)	Claims	4-6, 8, 11, 13	YES
	Claims	1-3, 7, 9, 10, 12	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO
<b>2. Citations and explanations:</b>			
<p>1      Reference is made to the following documents:</p> <p style="margin-left: 40px;">D1: DE 35 26 819 A1 (BRAMLAGE GMBH) 12 February 1987</p> <p style="margin-left: 40px;">D2: US-B1-6 536 687 (NAVIS KEITH C ET AL) 25 March 2003</p> <p style="margin-left: 40px;">D3: FR-A-2 774 928 (INJELEC) 20 August 1999</p>			
<p>2      INDEPENDENT CLAIM 1</p>			
<p>2.1 Document D1 (see page 4, line 52 - page 5, line 26; figures 1-5) discloses (the references between parentheses relate to said document):</p> <p style="margin-left: 40px;">a gravity cup for a paint spraying gun comprising a container (1) and a cover (6), which can be placed thereon and which has a connecting part (8) in order to place the gravity cup onto the paint spraying gun or onto an adapter, a delimited area (15) which can be penetrated by a pointed tool (6) to make a ventilating opening being formed in the wall of the container (1).</p>			
<p>2.2 Therefore, document D1 discloses all the features mentioned in independent claim 1 in combination with one another. The subject matter of this claim is therefore not novel (PCT Article 33(2)).</p>			
<p>2.3 Furthermore, documents D2 and D3 respectively</p>			

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000435

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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disclose all the features mentioned in independent claim 1 in combination with one another. The subject matter of this claim is therefore again not novel (PCT Article 33(2)).

3.1 INDEPENDENT CLAIM 7

Document D1 (see page 4, line 52 - page 5, line 26; figures 1-5) discloses (the references between parentheses relate to said document):

use of a pointed tool (16) with a shaft, a head part (end 16' + webs 20) arranged thereon and a point (16'') at the end of the shaft, on the periphery of which at least one clearance (22) is provided, for making a ventilating opening in the wall (15) of a paint cup for a paint spraying gun by penetrating said wall, the clearance (22) forming a ventilating channel when the pointed tool (16) is pushed so far into the ventilating opening once it has been made that the clearance (22) is at the level of the region of the container wall (1) enclosing the ventilating opening.

3.2 Therefore, document D1 discloses all the features mentioned in independent claim 7 in combination with one another. The subject matter of this claim is therefore not novel (PCT Article 33(2)).

4 DEPENDENT CLAIMS 2, 3

Claims 2, 3 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (see document D1).

5 It is considered hereafter that claims 8-12 are

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000435

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>concerned with <b>use</b> of a pointed tool (as in independent claim 7).</p> <p>5.1 DEPENDENT CLAIMS 9, 10, 12</p> <p>Claims 9, 10, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (see document D1).</p> <p>5.2 DEPENDENT CLAIMS 4-6, 8, 11, 13</p> <p>The combination of features contained in dependent claims 4-6, 8, 11, 13 meet the PCT requirements for novelty and inventive step, since this combination of features is neither known from the available prior art nor suggested by it.</p>